

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

In Re:
John Campanella
Debtor.

Case No. 16-82923
Honorable Thomas M. Lynch
Chapter 13

NOTICE OF MOTION

To:
John Campanella
9106 Turnberry Trail
Crystal Lake, IL 60014
Via U.S. Mail
Debtor.

O Allan Fridman
Law office of O. Allan Fridman
555 Skokie Blvd
Suite 500
Northbrook, IL 60062
Via Court Electronic
Notification

Lydia Meyer
P.O. Box 14127
Rockford, IL 61105-4127
Via Court Electronic Notification

PLEASE TAKE NOTICE that on the 20th day of January, 2017 at 9:00 a.m., or as soon thereafter as counsel may be heard, I shall appear before the Honorable Thomas M. Lynch in Courtroom 3100 in the U.S. Bankruptcy Court, 327 South Church Street, Rockford, Illinois 61101, or before any other Bankruptcy Judge who may be presiding in said Judge's place and stead, and shall then and there move the Court for the entry of an order in accordance with the attached motion at which time you may appear if you so desire.

/s/ James M. Philbrick

CERTIFICATE OF SERVICE

I, James M. Philbrick, an attorney, certify that I personally served the above and foregoing notice and motion on the above parties by Court Electronic Notification and by depositing the same in the U.S. Mail on the 11th day of January, 2017, before the hour of 5:00 p.m. from the U.S. Post Office, Mundelein, Illinois 60060.

/s/ James M. Philbrick

James M. Philbrick
Attorney No. 6244743
Law Offices of James M. Philbrick
P.O. Box 351
Mundelein, Illinois 60060
847/949-5290
Fax: 847/949-5690
jamesphilbrick@comcast.net

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Chapter 13

MOTION TO MODIFY STAY

NOW COMES Ally Financial, by and through its attorney, JAMES M. PHILBRICK, of THE LAW OFFICES OF JAMES M. PHILBRICK, and as and for its Motion to Modify Stay, states as follows:

1. That Ally Financial is a creditor-claimant of the Debtor and brings this motion pursuant to 11 U.S.C. §362(d).
2. That on or about February 20, 2016, the Debtor executed an agreement for an interest in one 2014 FORD F-150, VIN 1FTEX1EM7EKE10387.
3. That Ally Financial has a properly perfected interest in the collateral in accordance with the Illinois Motor Vehicle Act, and said lien was noted upon the Certificate of Title in connection with the aforesaid motor vehicle.
4. That on December 12, 2016, the Debtor filed a voluntary petition under Chapter 13 of Title 11 of the United States Code.
5. That the current payoff balance for the said vehicle is approximately \$28,933.20.
6. That the current retail value for the said vehicle is approximately \$26,200.00.
7. That the Debtor have no appreciable equity in the said vehicle.
8. That the Debtor's plan provides for the surrender of the said vehicle and a default under the agreement exists in the amount of \$1,134.50.
9. That the Debtor have not provided Ally Financial with proof of full coverage insurance on the said vehicle.
10. That the vehicle is not necessary for an effective reorganization.
11. That Ally Financial's collateral is a depreciating asset.

12. That Ally Financial lacks adequate protection in its collateral, and therefore should be allowed to immediately enforce and implement any Order Modifying the Automatic Stay that this Honorable Court may enter, notwithstanding Federal Bankruptcy Rule 4001(a)(3).

WHEREFORE, Ally Financial prays this Honorable Court for the entry of the attached order modifying the automatic stay of 11 U.S.C. §362 so as to allow Ally Financial to take possession of one 2014 FORD F-150, VIN 1FTEX1EM7EKE10387, and to enforce its rights against the security in accordance with the agreement and/or applicable state laws; and to find that Federal Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure is non-applicable and thus Ally Financial may immediately enforce and implement the attached Order Modifying the Automatic Stay; and for leave to file an unsecured claim for any deficiency remaining after the sale of the vehicle; and that the claim be deemed as a timely filed claim; and for such other and further relief as the Court may deem just and proper.

Ally Financial

By: /s/ James M. Philbrick

One of its Attorneys

James M. Philbrick
Attorney No. 6244743
Law Offices of James M. Philbrick
P.O. Box 351
Mundelein, Illinois 60060
847/949-5290
Fax: 847/949-5690
jamesphilbrick@comcast.net